




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,815	08/17/2001	Lee S. Pearson	10541-607	5818
29074	7590	11/17/2004		
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			EXAMINER CHANG, VICTOR S	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/932,815	Applicant(s) PEARSON ET AL. 	
	Examiner Victor S Chang	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 7-18 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 10/15/2004. Applicants' amendments to claims 7, 14, 16, and new claim 18 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

Rejections Based on Prior Art

4. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 517 615 (Derwent Abstract), generally as set forth in section 8 of Office action dated 7/15/2004, together with the following additional reasoning.

First, the Examiner repeats the relied upon prior art as follows: EP '615 is directed to a flexible cushion. In Fig. 6, EP .615 shows that the cushion comprises an external decorative fabric coating 3a, a layer of flexible foam 3b, a plastic hot melt adhesive film 3c, and an enclosing frame 8 and a backing 14. Further, the frame 8 and the backing 14 are formed by injection molding. Finally, Fig. 6 also clearly shows that height of portions of the surface of the external coating being either flush or greater than the top surface of the enclosing frame.

It is noted that newly amended claim 7 now recites *inter alia* "a flange extending away from and parallel to the rim".

With respect to Applicants' argument "The '615 reference discloses a removable insert 15 for a chair 16 having a body portion 14 and a rim portion 8. The '615 reference does not disclose a flange extending away from and parallel to the rim portion 8 ... Therefore, amended claim 7 is not anticipated by the '615 reference" (Remarks, page 6, second paragraph), the Examiner notes that '615 clearly shows in Fig. 6 a frame (flange) extending away and being parallel to the vertical edge (rim) of the molding, as claimed in the amended claim 7. As such, the instantly claimed invention still fails to preclude the teachings of EP '615. Additionally, it should be noted that the newly added term "flange" in independent claim 7 is absent from the specification, and as such appears to be new matter. Clarification and support are requested in the next communication.

5. Claims 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 0 517 615 (Derwent Abstract).

With respect to Applicants' argument "The '615 reference does not disclose the composite material 3 being flush with the rim 8. Rather, the uncompressed section of the composite material 3 gradually extends upwardly until it has the same height as the rim 8, and therefore the respective components are not flush with each other ... Therefore claim 14 is not anticipated by the '615 reference" (Remarks, page 6, 3rd paragraph), The Examiner notes that while EP '615 is silent about the soft cover being

substantially flush with the molded edge, since EP '615 teaches the same subject matter (an injection molded plastic part with a foamed cushioned soft cover) as the instant invention, it is the Examiner's position that forming a soft cover which is substantially flush with the molded edge is either anticipated by EP '615, or an obvious selection and/or optimization to one of ordinary skill in the art of injection molded part, motivated by the desire to obtain an aesthetically pleasing appearance. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01. Additionally, the Examiner notes that in Fig. 5 of the instant invention, Applicants also shows that the composite soft cover gradually extends upwardly over a curve until it has the same height as the outer surface of the molded edge.

Newly added claim 18 has essentially the same scope as claim 14, as such it is also rejected for the reasons as set forth above.

6. Claims 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 517 615 (Derwent Abstract) in view of JP 05338095 (Derwent Abstract), generally as set forth in section 9 of Office action dated 7/15/2004, together with the additional reasoning as set forth above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSC
Victor S Chang
Examiner
Art Unit 1771

11/2/2004


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700